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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,989

10/29/2003

Hideaki Watanabe

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STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

PHAM, TUAN

ART UNIT

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2618

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,989	<b>Applicant(s)</b> WATANABE ET AL.	
	<b>Examiner</b> TUAN A. PHAM	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11-14 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-14, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 19-20 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/14/2008 has been entered.

### ***Election/Restrictions***

2. Newly submitted claims 19-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 19 has a different utility from claims 1, 4-5, 7, 11-14, and 17-18 under usable together. Since claim 19 is related to the information specifying a communication protocol from the second communication device and specifying attribute information corresponding to the second device.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-20 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 4-5, 7, 11-14, and 17-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added subject matter of “said devices of the other party including a device able to communicate **simultaneously** with said communication device” to independent claims 1, 4-5, 7, 11-14, and 17-18 are considered new matter because the specification as original filed does not provide support for such limitation. Furthermore, the applicant pointed out that the new limitation was supported in the original specification in paragraph [0049]. However, Examiner could not find the newly added limitation in that section has been pointed out by application. Therefore, claims 1, 4-5, 7, 11-14, and 17-18 are rejected under 112, first paragraph.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-6, 11-14, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huuskonen (U.S. Pub. No.: 2004/0078372) in view of Aholainen et al. (US Patent No.: 7,102,640, hereinafter, "Aholainen").**

**Regarding claims 1, 11, and 13,** Huuskonen teaches a method and a communication device (see figure 1, WCD 102) having a function which manages identification information (figure 4, user name 410, device name 406, device type 406, device ID 404) concerning devices of an other party (see figure 1, remote device 104a-104d), comprising:

a receiver (see figure 1, WCD 102) receiving a plurality of pieces of identification information (figure 4, pieces of identification information is included user name 410, device name 406, device type 406, device ID 404, [0032-0048]) concerning the devices of the other party (see figure 1, devices 104a-104d, [0032-0040]); storing the identification information (see identification information is included user name 410, device name 406, device type 406, device ID 404, [0043]); and an information processor storing pieces of identification information concerning the devices of the other party in said storage (see figure 4, identification information is included user name 410, device name 406, device type 406, device ID 404 [0043, 0051, 0059]), retrieving the identification information from said storage by receiving input of specifying information (person name) out of said pieces of identification information (see figure 4, user name 410, device name 406, device type 406, device ID 404, [0096-0100]), and relating a result of that retrieval to said specifying information and outputting them (see figure 5, display the search on the display, [0105]).

It should be noticed that Huuskonen fails to teach said identification information including information to specify a communication interface for the devices of the other party, said devices of the other party including a device able to communicate simultaneously with said communication device. However, Aholainen teaches said identification information including information to specify a communication interface for the devices of the other party (see figures 1A & 2, processor 210, Bluetooth radio 206, it is clearly seen that the device 100 use the Bluetooth communication interface to communicate with devices 140, 142, 144, 146, 148), said devices of the other party

including a device able to communicate simultaneously with said communication device (see figure 1A, it is clearly seen that devices 140, 142, 144, 146, 148 simultaneously communicate with device 102, col.7, ln.24-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Aholainen into view of Huuskonen in order to provide the user notice of those Bluetooth device within communication range as suggested by Aholainen at col.2, ln.45-48.

**Regarding claim 2**, Huuskonen further teaches said pieces of identification information include human information (figure 4, pieces of identification information is included user name 410, device name 406, device type 406, device ID 404, [0032-0048]) and one or plural pieces of proper information (read on e-mail address, [0037]) representative of the devices of the other party (see figure 1, devices 104a-104d), and said specifying information (user name) to which said pieces of identification information are related is said human information (figure 4, pieces of identification information is included user name 410, device name 406, device type 406, device ID 404, [0032-0048]).

**Regarding claim 3**, Huuskonen further teaches an information presenter that relating the result of the retrieval of said information processor to said specifying information and presenting them (see figure 5, [0104-0105], display the user information).

**Regarding claims 4, 12, and 14**, Huuskonen teaches a method and a communication device (see figure 1, WCD 102) having a function which manages

identification information (figure 4, user name 410, device name 406, device type 406, device ID 404) concerning devices of an other party (see figure 1, remote device 104a), comprising:

transmitter/receiver demanding transmission of identification information to the device of the other party (see figure 2, transceiver for transmit/receive the identification information from remote mobile 104a, [0048]), a receiving (see figure 1, WCD 102) receiving a plurality of pieces of identification information (figure 4, pieces of identification information is included user name 410, device name 406, device type 406, device ID 404, [0032-0048]) concerning the devices of the other party (see figure 1, devices 104a-104d, [0032-0040]); storing the identification information (see [0043]); and an information processor storing pieces of identification information concerning the devices of the other party in said storage (see figure 4, [0043, 0051, 0059]), retrieving the identification information from said storage by receiving input of specifying information (person name) out of said pieces of identification information (see figure 4, user name 410, device name 406, device type 406, device ID 404, [0096-0100]), and relating a result of that retrieval to said specifying information and outputting them (see figure 5, display the search on the display, [0105]).

It should be noticed that Huuskonen fails to teach said identification information including information to specify a communication interface for the devices of the other party, said devices of the other party including a device able to communicate simultaneously with said communication device. However, Aholainen teaches said identification information including information to specify a communication interface for



the devices of the other party (see figures 1A & 2, processor 210, Bluetooth radio 206, it is clearly seen that the device 100 use the Bluetooth communication interface to communicate with devices 140, 142, 144, 146, 148), said devices of the other party including a device able to communicate simultaneously with said communication device (see figure 1A, it is clearly seen that devices 140, 142, 144, 146, 148 simultaneously communicate with device 102, col.7, ln.24-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Aholainen into view of Huuskonen in order to provide the user notice of those Bluetooth device within communication range as suggested by Aholainen at col.2, ln.45-48.

**Regarding claim 6**, Huuskonen further teaches a presenter relating the pieces of identification information received from the devices of the other party to the specifying information and presenting them (see figure 4, figure 5, the display is displaying the user information such as device type, device name and device address).

**Regarding claim 5**, Huuskonen teaches a communication device using proper address information which specifies an interface for devices of an other party, comprising:

a transmitter/receiver transmitting and receiving identification information specifying devices of the other party (see figure 2, transceiver for transmit/receive the identification information from remote mobile 104a, [0048]); storage storing the proper address information related to specifying information out of the identification information (see figure 2, figure 4, memory 208 store the e-mail address of a user name, [0032-

0048]); and an information processor relating said proper address information to the specifying information out of the identification information received from the devices of the other party and storing said proper address information in the storage (see figure 2, figure 4, memory 208 store the e-mail address of a user name, [0032-0048]).

It should be noticed that Huuskonen fails to teach said identification information including information to specify a communication interface for the devices of the other party, said devices of the other party including a device able to communicate simultaneously with said communication device. However, Aholainen teaches said identification information including information to specify a communication interface for the devices of the other party (see figures 1A & 2, processor 210, Bluetooth radio 206, it is clearly seen that the device 100 use the Bluetooth communication interface to communicate with devices 140, 142, 144, 146, 148), said devices of the other party including a device able to communicate simultaneously with said communication device (see figure 1A, it is clearly seen that devices 140, 142, 144, 146, 148 simultaneously communicate with device 102, col.7, ln.24-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Aholainen into view of Huuskonen in order to provide the user notice of those Bluetooth device within communication range as suggested by Aholainen at col.2, ln.45-48.

**Regarding claim 17,** Huuskonen teaches a communication device managing identification information concerning devices of an other party (figure 1, figure 4, identification information is included user name 410, device name 406, device type 406, device ID 404), comprising: a receiver (see figure 1, WCD 102) receiving a plurality of pieces of identification information concerning the devices of the other party (figure 4, pieces of identification information is included user name 410, device name 406, device type 406, device ID 404, [0032-0048]), the plurality of pieces of identification information including name information of device assigned by a user ([0033]); storage storing the pieces of identification information ([0043]); and an information processor storing the pieces of identification information concerning the devices of the other party in said storage (see figure 4, [0043, 0051, 0059]), retrieving the identification information from said storage by receiving input of specifying information (user name) out of said pieces of identification information (see figure 4, user name 410, device name 406, device type 406, device ID 404, [0096-0100]), and relating a result of that retrieval to said specifying information and outputting them (see figure 5, display the search on the display, [0105]).

It should be noticed that Huuskonen fails to teach said identification information including information to specify a communication interface for the devices of the other party, said devices of the other party including a device able to communicate simultaneously with said communication device. However, Aholainen teaches said identification information including information to specify a communication interface for the devices of the other party (see figures 1A & 2, processor 210, Bluetooth radio 206, it is clearly seen that the device 100 use the Bluetooth communication interface to

communicate with devices 140, 142, 144, 146, 148), said devices of the other party including a device able to communicate simultaneously with said communication device (see figure 1A, it is clearly seen that devices 140, 142, 144, 146, 148 simultaneously communicate with device 102, col.7, ln.24-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Aholainen into view of Huuskonen in order to provide the user notice of those Bluetooth device within communication range as suggested by Aholainen at col.2, ln.45-48.

**Regarding claim 18,** Huuskonen teaches a communication device managing identification information concerning devices of the other party (figure 1, figure 4, identification information is included user name 410, device name 406, device type 406, device ID 404), comprising: storage storing identification information of the devices of the other party and a corresponding device name of the devices of the other party (see figure 1, figure 2, figure 4, memory 208 store included user name 410, device name 406, device type 406, device ID 404, [0032-0048]), the device name information being assigned by a user (see [0033]); and an information processor retrieving the identification information from said storage responding to specifying information that specifies a part of said identification information (see figure 2, figure 4, processor 206, [0096-100]), and using the retrieved identification information for operational processing ([0096-0100]).

It should be noticed that Huuskonen fails to teach said identification information including information to specify a communication interface for the devices of the other

party, said devices of the other party including a device able to communicate simultaneously with said communication device. However, Aholainen teaches said identification information including information to specify a communication interface for the devices of the other party (see figures 1A & 2, processor 210, Bluetooth radio 206, it is clearly seen that the device 100 use the Bluetooth communication interface to communicate with devices 140, 142, 144, 146, 148), said devices of the other party including a device able to communicate simultaneously with said communication device (see figure 1A, it is clearly seen that devices 140, 142, 144, 146, 148 simultaneously communicate with device 102, col.7, ln.24-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Aholainen into view of Huuskonen in order to provide the user notice of those Bluetooth device within communication range as suggested by Aholainen at col.2, ln.45-48.

**6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hama et al. (U.S. Pub. No.: 2002/0039915, hereinafter, "Hama") in view of Aholainen et al. (US Patent No.: 7,102,640, hereinafter, "Aholainen").**

**Regarding claim 7,** Hama teaches a communication device using proper address (read on telephone number or email address) information which specifies an interface of devices of the other party (see figure 5, Abott Emily mobile phone with wireless interface), comprising:

a data base part that relates (see figure 2, ROM 20a) the proper address information of the device of the other party to specifying information and stores it (see figure 5, store the telephone number and email address of user device name, [0062-0069]); an information presenting part that outputs the proper address information stored in said data base part (see figure 5, the display is displaying the telephone number, [0062-0069]); a selection input part that selects optional proper address information from a plurality of pieces of proper address information presented in said information presenting part (see figure 5, figure 6, [0062-0069]); and an information processing part that retrieves said data base part by using a result of selection of the selection input part as a key (see figure 5, figure 6, highlight the telephone number, [0062-0069]); and starts a connection with a particular device of the other party by using the proper address information which is result of that retrieval (see figure 5, figure 6, [0062-0069]).

It should be noticed that Huuskonen fails to teach information to specify a communication interface for the devices of the other party, the devices of the other party having a communication standard corresponding to the communication device, said devices of the other party including a device able to communicate simultaneously with said communication device. However, Aholainen teaches information to specify a communication interface for the devices of the other party ,the devices of the other party having a communication standard corresponding to the communication device (see figures 1A & 2, processor 210, Bluetooth radio 206, it is clearly seen that the device 100 use the Bluetooth communication interface to communicate with devices 140, 142, 144,

146, 148 by Bluetooth), said devices of the other party including a device able to communicate simultaneously with said communication device (see figure 1A, it is clearly seen that devices 140, 142, 144, 146, 148 simultaneously communicate with device 102, col.7, ln.24-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Aholainen into view of Huuskonen in order to provide the user notice of those Bluetooth device within communication range as suggested by Aholainen at col.2, ln.45-48.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/TUAN A PHAM/  
Examiner, Art Unit 2618

Tuan Pham